

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED for
RVR
A APR 09 2007

JOHN F. CORCORAN, CLERK
BY: H. M. Denslow,
DEPUTY CLERK

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED and ADJUDGED

as follows:

- 1) Petitioner's motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, shall be and hereby is **DISMISSED** without prejudice as successive and the case is hereby **STRICKEN** from the active docket of this court.
- 2) Tawalbeh is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 60 days of the entry of this order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).
- 3) The Clerk is **DIRECTED** to file the petitioner's motion in his criminal case - 7:97CR0024, as a motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2).

Memorandum Opinion to all parties.

ENTER: This 9th day of April, 2007.

Jackson L. Krieger
Senior United States District Judge